THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 26633 of 2006

DATED: 22-12-2006

Between:

V.Jayarama Rao

…Petitioner

and

The Government of Andhra Pradesh, represented by its
Principal Secretary,
Revenue (Land Acquisition),
Hyderabad and others

…Respondents.

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 26633 of 2006

Oral order:

This writ petition is directed against the action of the respondents in seeking to acquire petitioner's land (for expansion of the special economic zone by the APIIC) by issuance of a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') notified on 6-7-2006 in respect of which a declaration under Section 6 of the Act is issued on 15-11-2006. Urgency clause has not been invoked and enquiry under Section 5-A of the Act has not been dispensed with. The respondents have however not issued a notice to the petitioner (the person interested) asking him to lodge his objections for an enquiry under Section 5-A of the Act.

In the circumstances, the declaration dated 15-11-2006 issued under Section 6 of the Act is quashed. It is open to the respondents to issue a notice calling the petitioner to lodge his objections under Section 5-A of the Act. On such objections being lodged, the same shall be considered by the competent authority and the decision thereon shall be communicated to the petitioner under registered post with acknowledgment due. Till such communication, the petitioner shall not be dispossessed and no further action under the Act shall be taken.

The writ petition is accordingly disposed of. There shall be no order as to costs.

GODA RAGHURAM, J.

22nd December, 2006.
GRR